

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROGER GASTELUM-MEDINA,

Petitioner,

v.

BRAD CAIN,

Respondent.

Case No.: 2:23-cv-01713-JR

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Jolie A. Russo issued a Findings and Recommendation in this case on January 6, 2025, ECF [19]. Judge Russo recommended that this Court deny petitioner's petition for writ of habeas corpus, decline to issue a Certificate of Appealability, and prepare judgment dismissing this case. No party has filed objections.


A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a *de novo* determination of those portions of the report." *Id.* No standard of review is prescribed for portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district judge is not, however, precluded from *sua sponte* review of other portions of the report, under a *de novo* standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge Russo's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court

ADOPTS Judge Russo's Findings and Recommendation, ECF [19], in full. Petitioner's Petition for Writ of Habeas Corpus, ECF [2], is DENIED as untimely, and this case is DISMISSED. The Court DECLINES to issue a Certificate of Appealability.

IT IS SO ORDERED.

DATED this 4th day of March, 2025.



Adrienne Nelson
United States District Judge